

5 5 5
Nos. 85-1377, 85-1378, and 85-1379

Supreme Court, U.S.

FILED

19

FEB 19 1986

JOSEPH F. SPANIOLO, JR.
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1985

CHARLES A. BOWSHER, COMPTROLLER GENERAL
OF THE UNITED STATES, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

UNITED STATES SENATE, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

THOMAS P. O'NEILL, JR., SPEAKER OF THE UNITED STATES
HOUSE OF REPRESENTATIVES, ET AL., APPELLANTS

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

*ON APPEALS FROM THE
UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA*

MEMORANDUM FOR THE UNITED STATES

CHARLES FRIED
*Solicitor General
Department of Justice
Washington, D.C. 20530
(202) 633-2217*

In the Supreme Court of the United States

OCTOBER TERM, 1985

No. 85-1377

CHARLES A. BOWSHER, COMPTROLLER GENERAL
OF THE UNITED STATES, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

No. 85-1378

UNITED STATES SENATE, APPELLANT

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

No. 85-1379

THOMAS P. O'NEILL, JR., SPEAKER OF THE UNITED STATES
HOUSE OF REPRESENTATIVES, ET AL., APPELLANTS

v.

MIKE SYNAR, MEMBER OF CONGRESS, ET AL.

*ON APPEALS FROM THE
UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA*

MEMORANDUM FOR THE UNITED STATES

Appellants contend that the district court erred in declaring that the automatic deficit reduction process established by the Balanced Budget and Emergency Deficit Control Act

of 1985, Pub. L. No. 99-177, is unconstitutional on the ground that it vests executive power in the Comptroller General, an officer removable by Congress under 31 U.S.C. 703(e). In our view, the district court's conclusion that the Act is unconstitutional in this respect is correct. Nonetheless, we believe that the question is substantial and that plenary review by this Court is warranted.

It is therefore respectfully submitted that probable jurisdiction should be noted.

CHARLES FRIED
Solicitor General

FEBRUARY 1986

